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Report No. 20130424-013764

October 24, 2013

Inspector General

United States
Department of Defense



OVERSIGHT REVIEW:
UNITED STATES FORCES - AFGHANISTAN
INVESTIGATION INTO THE LOSS OF A MEDAL OF
HONOR RECOMMENDATION FOR CAPTAIN WILLIAM
SWENSON, U.S. ARMY

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INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

OCT 24 2013

MEMORANDUM FOR INSPECTOR GENERAL

SUBJECT: Oversight Review of United States Forces - Afghanistan (USFOR-A) Investigation Into the Processing of a Medal of Honor (MoH) Recommendation for Captain (CPT) William Swenson, U.S. Army

We recently completed a review to examine a July 2011 USFOR-A report of investigation, and if warranted, conduct additional work to establish the facts and circumstances surrounding the processing of CPT Swenson's MoH award recommendation. We further analyzed all the evidence to determine whether any senior official committed misconduct related to the processing of the award recommendation.

We conclude by a preponderance of the evidence that the Commander, USFOR-A, properly endorsed CPT Swenson's original MoH recommendation, but the USFOR-A awards section did not forward it to Headquarters (HQ), U.S. Central Command (CENTCOM). We found General (GEN) David Petraeus, U.S. Army (Retired), former Commander, USFOR-A, recommended the MoH be downgraded to a Distinguished Service Cross and returned the recommendation to his Administrative Assistant for further processing. We determined this was within GEN Petraeus' discretion and did not violate a standard. Further, there was no evidence that a senior official mishandled, lost, destroyed, purged, disposed of, or unnecessarily delayed the recommendation.

We also found CENTCOM did not receive the recommendation for further endorsement, and the U.S. Army Human Resources Command (HRC) never received it for final processing. The USFOR-A awards section did not promptly forward it after GEN Petraeus' review and failed to accurately track and report its status. This was inconsistent with governing Army Regulation direction to route MoH recommendations on a priority basis through the endorsement chain to HRC. Multiple witnesses testified USFOR-A frequently lost awards, and we determined inadequate systems and unreliable processes may have contributed to the failure to fully process CPT Swenson's original MoH recommendation.

We recommend the Commander, CENTCOM, direct a review of the awards process at HQ, USFOR-A.


Marguerite C. Garrison
Deputy Inspector General
Administrative Investigations

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**OVERSIGHT REVIEW:
United States Forces – Afghanistan Investigation Into the Processing of a
Medal of Honor Recommendation for Captain William Swenson, U.S. Army**

I. INTRODUCTION AND SUMMARY

On December 18, 2009, a U.S. Army battalion task force commander recommended Captain (CPT) William Swenson receive the Medal of Honor (MoH) for his actions on September 8, 2009, during the Battle of Ganjgal, Afghanistan.¹ CPT Swenson's award recommendation never reached the President of the United States, the approval authority for the MoH.

In July 2011, Headquarters (HQ), United States Forces – Afghanistan (USFOR-A) initiated an investigation to determine whether CPT Swenson was actually recommended for the MoH, and if so, what happened to the award recommendation. The investigation concluded "the facts of this investigation could not determine any processing of the MoH for CPT Swenson beyond" the brigade level. USFOR-A subsequently recreated and submitted a second recommendation package for expedited processing.

The second award recommendation was favorably endorsed at all levels, to include the Secretary of Defense, forwarded to the President, and approved. However, CPT Swenson informed DoD officials that he would decline the award until someone addressed his concerns regarding the USFOR-A investigation and the integrity of the awards process.

The purpose of this review was to examine the USFOR-A report of investigation, and if warranted, conduct additional work to establish the facts and circumstances surrounding the processing of the original award recommendation. We further analyzed all the evidence to determine whether any senior official committed misconduct related to the processing of the award recommendation.

We conclude by a preponderance of the evidence that the Commander, USFOR-A, properly endorsed CPT Swenson's original MoH recommendation, but the USFOR-A J-1 awards section did not forward it to HQ, U.S. Central Command (CENTCOM).² We found that on or after May 19, 2010, USFOR-A J-1 awards section personnel received CPT Swenson's award recommendation, signed by the Commander, Combined Joint Task Force 82 (CJTF-82). On July 28, 2010, General (GEN) David Petraeus, U.S. Army, Commander, USFOR-A, recommended the award be downgraded to the Distinguished Service Cross (DSC) and returned the package to his Administrative Assistant. The Administrative Assistant returned the award recommendation to the J-1 awards section for further processing.³

¹ In March 2010, CPT Swenson redeployed from Afghanistan and in June 2010 reported for duty at Joint Base Lewis-McChord. On February 1, 2011, CPT Swenson resigned his commission and was honorably discharged.

² The J-1 is the office in a joint U.S. military headquarters responsible for human resources functions, including awards and decorations.

³ GEN Petraeus relinquished command of USFOR-A on July 18, 2011 and retired on September 1, 2011.

CJTF-level briefing slides created in 2010 and obtained by the USFOR-A Investigating Officer (IO) indicated CPT Swenson's first award recommendation reached HQ, CENTCOM for endorsement and then U.S. Army Human Resources Command (HRC), the orders issuing authority. However, we found neither CENTCOM nor HRC ever received the first award recommendation. Multiple witnesses questioned the accuracy of a USFOR-A tracking database that reflected the award was at CENTCOM, and testified that the USFOR-A awards section frequently lost awards. We also received consistent testimony from CENTCOM witnesses that they never received the award. Further, checks of archived electronic files at CENTCOM and HRC were consistent with witness testimony and revealed no evidence that the first award recommendation was received at those commands.

Army Regulation (AR) 600-8-22, "Military Awards," identifies the President as the approval authority for the MoH, prohibits subordinate commanders from disapproving or returning MoH recommendations, requires routing them to HRC for final processing after obtaining all necessary endorsements and recommendations, and requires that MoH recommendations receive priority during processing.

We determined that CPT Swenson's initial MoH recommendation was not processed in accordance with AR 600-8-22 because the USFOR-A J-1 awards section did not promptly forward it after GEN Petraeus' review and failed to accurately track and report its status. This was inconsistent with the requirement to route MoH recommendations on a priority basis through the endorsement chain to HRC. We also determined that the USFOR-A J-1 awards section had inadequate systems and unreliable processes, which may have contributed to the failure to fully process CPT Swenson's initial award recommendation. Further, we determined that GEN Petraeus' recommendation to downgrade the award was within his discretion and did not violate AR 600-8-22. There was no evidence that a senior official mishandled, lost, destroyed, purged, disposed of, or unnecessarily delayed the recommendation.

We recommend the Commander, CENTCOM, direct a review of the awards process at HQ, USFOR-A.

II. BACKGROUND

The Battle of Ganjgal Valley (September 8, 2009)

The narrative portion of CPT Swenson's MoH award described the battle on September 8, 2009:

[E]lements of the Afghan Border Police (ABP), U.S. Army ABP mentors, U.S. Marine Corps (USMC) Embedded Training Team (ETT) mentors, and the U.S. Army's Task Force (TF) Chosin conducted Operation Buri Booza II in the valley of Ganjgal Gar, Konar Province, eastern Afghanistan. The mission was to engage the elders in the lower Ganjgal Valley, separate the isolated mountain communities from insurgents, and connect the

communities with the Afghan government. CPT Swenson was one of the U.S. Army ABP mentors that participated in the operation.

Up to 60 insurgents infiltrated Ganjgal Village from deeper within the valley and from Pakistan and ambushed the friendly forces conducting the operation, commencing what became an intense firefight that resulted in 32 coalition and Afghan National Security Forces (ANSF) casualties, including 15 dead and 17 wounded. In seven hours of continuous fighting, CPT Swenson braved intense enemy fire and willfully put his life in danger against the enemy's main effort in the service of his fallen and wounded comrades and his Afghan partners.

Investigations into Combat Deaths and Leadership Actions

(b)(3), (b)(6)

[REDACTED], directed an investigation into the U.S. combat deaths that occurred during the battle. In an executive summary of the report, dated September 21, 2009, the IO recommended CPT Swenson; First Lieutenant Ademola Fabayo, U.S. Marine Corps; Corporal (Cpl) Dakota Meyer, U.S. Marine Corps; and 4 other service members be "recognized for their sacrifice and heroic efforts."

CPT Swenson provided the following statements on September 13 and 16, 2009, as part of the investigation into the combat deaths:⁴

- The fire plan for the operation failed in execution not planning.
- The International Security Assistance Force (ISAF) Tactical Directive made leaders reluctant to approve tough fire missions and negatively impacted the support the mission received.⁵
- The TF Chosin Tactical Operations Center (TOC) denied requested fire missions, and the reason given was that civilians and civilian structures were too close.⁶
- A fellow officer had to call for smoke seven times before he received it.
- The fire support was not immediate and the absence of indirect fires and smoke for obscuration made it impossible to break contact with the enemy. As a result, the enemy was able to flank his position. He (and others) had to abandon the position, and sustained "heavy casualties" as they withdrew. It was during this movement, without smoke, that most of the casualties occurred.
- He was told at least three times that Close Combat Attack (Army helicopter) support was "another 15 minutes away."

⁴ CPT Swenson reiterated these points in a statement to CJTF-82 investigators on November 17, 2009.

⁵ The Tactical Directive provides guidance for the employment of force in support of ISAF operations.

⁶ TF Chosin was the "battalion-level" command.

- Terrain necessitated the use of a scout element to relay his communications to the TOC. The scout element communicated the seriousness of the situation, but the TOC did not understand the sense of urgency.
- A platoon from a company in TF Chosin arrived, but the platoon leader informed him the platoon's orders were to stand down and remain at the Objective Rally Point (ORP). The TOC assured him the platoon would move forward, but when he went ahead to recover fallen Marines, the platoon did not move. The failure to move could only be the result of an order from the TOC not to move or cowardice.
- No one from the Forward Operating Base (FOB) came forward during the battle to improve command, control, and communications or gain better situational awareness.

More generally, CPT Swenson stated:

- The Battle of Ganjgal was not the first time the TF Chosin TOC failed to provide timely fire support. He had received more timely fire support from Afghan National Security Forces (ANSF).
- After the battle, TF Chosin "started using fires more liberally," resulting in fewer rocket attacks on the FOB.
- The ANSF were ready and willing to fight but TF Chosin did not know how to properly interface with the ANSF.
- Air assets often failed to arrive (when planned for or requested) and could be unreliable.
- The TOC should support the ground force commander. When a ground force commander makes a fire support request, the TOC should fire the mission without question.
- Fires approval authority rests "at an echelon above reality."

Following the investigation, Major General (MG) Curtis M. Scaparrotti, U.S. Army, former Commander, CJTF-82, directed a joint U.S. Army and U.S. Marine Corps investigation into leadership actions in the planning and execution of the operation.⁷ (b)(3), (b)(6)

MoH Recommendations for CPT Swenson and CPL Meyer

On December 18, 2009, (b)(3), (b)(6), digitally signed and submitted a Department of the Army (DA) Form 638, "Recommendation for Award,"

⁷ MG Scaparrotti is now GEN Scaparrotti and Commander, United Nations Command/United States Forces – Korea. In this report we use the ranks military members held at the time the events in question occurred.

⁸ (b)(3), (b)(6)

recommending CPT Swenson for the MoH. (b)(3), (b)(6) recommended approval and submitted the recommendation package to HQ, CJTF-82.

HQ, U.S. Marine Corps (HQMC) was aware of CPT Swenson's involvement in the Ganjgal battle. In autumn 2010, while working on a MoH for Cpl Meyer, HQMC personnel contacted Army HRC to determine if HRC was processing any actions to recognize CPT Swenson. HRC emails to HQMC between September and December 2010 indicated they were not.

On January 5, 2011, the Assistant Chief, Awards and Decorations Branch, HRC, signed a memorandum informing HQMC that CPT Swenson received a Bronze Star Medal (BSM) for meritorious service between November 13, 2008 and November 12, 2009, and would receive a Purple Heart. The memorandum also stated CPT Swenson did not receive an award "specifically for actions on September 8, 2009."

Questions about CPT Swenson's MoH recommendation surfaced and no one could account for the status of the package. Emails from July 2011 indicated the Assistant Chief of Staff (ACoS), ISAF, was aware of Cpl Meyer's pending MoH and that searches for CPT Swenson's recommendation were unsuccessful. In an email dated July 6, 2011, the CJ-1, CJTF-1, informed the ACoS, "We found the packet on the portal. We're checking to see what all is in it/if we need anything else. Will tweak with the new intermediate authorities, package for processing ASAP."

On July 14, 2011, an official in the J-1, USFOR-A coordinated with HQMC to use Cpl Meyer's package as an example because the unit was attempting to recreate CPT Swenson's package. On July 15, 2011, the Assistant Director, Policy, Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy and Officer and Enlisted Personnel Management, invited DA officials to review Cpl Meyer's MoH package "so that the Army can use it as a template for the Swenson nomination."

On July 28, 2011, USFOR-A initiated an investigation to determine the facts and circumstances surrounding CPT Swenson's original recommendation for the MoH.⁹ The investigation, completed in August 2011, confirmed that CPT Swenson was recommended for the MoH, but could not determine any processing of the MoH for CPT Swenson beyond the CJTF-82 Command Group. Further, a discrepancy between the actual status of the award and CJTF briefing slides which indicated processing at CENTCOM and HRC "could not be resolved." The IO noted the 1st Cavalry Division (CJTF-1) would submit a "recreated" MoH recommendation for CPT Swenson.

On September 8, 2011, the President awarded Cpl Meyer the MoH for his bravery during the battle at Ganjgal.

⁹ When a recommendation is lost, AR 600-8-22 allows the approval of equivalent recommendations if there is conclusive evidence of the original submission into military channels and subsequent loss or inadvertent failure to act on the recommendation.

CPT Swenson's Allegations

In a letter to U.S. Representative Jim McDermott, dated November 27, 2012, CPT Swenson stated the conclusion of the USFOR-A investigation “conflicted directly with the evidence.” CPT Swenson maintained the investigation failed to determine who lost the award recommendation, which someone “purged” from an “official awards database.”

In his letter, CPT Swenson specifically alleged that GEN Petraeus improperly downgraded the MoH to a DSC before forwarding the recommendation to General (Gen) James Mattis, U.S. Marine Corps, former Commander, CENTCOM, in violation of AR 600-8-22. He wrote that by regulation, only the President has the authority to approve or downgrade the MoH. CPT Swenson also wrote that he could not accept any award for his actions, “unless an effort was made to restore the integrity of the Medal [of Honor] and hold those accountable who attempted to bring shame upon it.”

By letter dated December 20, 2012, Congressman McDermott requested the OIG help resolve the matters CPT Swenson brought to his attention. On March 13, 2013, the OIG responded to Congressman McDermott that the matter he referred lacked a credible allegation of misconduct against a senior official. Recommending a MoH be downgraded to a DSC and forwarding the award package to the next endorser in the reviewing chain does not violate the standard.

On April 19, 2013, we obtained a copy of the USFOR-A investigation and information that the Secretary of Defense recommended the President award the MoH to CPT Swenson. We reviewed the USFOR-A investigation and determined it did not fully address or establish the facts and circumstances surrounding the processing of the original MoH recommendation.

III. SCOPE

We conducted a detailed review of the 2011 USFOR-A investigation into CPT Swenson's original MoH recommendation and the underlying documentation used to support the conclusions. Our focus was to determine whether the 2011 USFOR-A investigation was sufficient. After we completed an initial review, we performed additional work to identify what happened to the original package. We interviewed CPT Swenson and 33 witnesses, including commanders and staff personnel from battalion task force through USFOR-A and CENTCOM. We reviewed award recommendation packages, email records related to the original award submission, and contents of computer hard drives containing awards tracking information. This report references evidence from the original USFOR-A investigation and additional investigative work we conducted during our review.

During the review, we continually analyzed the evidence to determine if it supported an allegation of misconduct against a senior official. We found no evidence to support a credible allegation of misconduct against any senior official involved in the processing of CPT Swenson's award.

We did not examine the facts and circumstances of the September 8, 2009 battle, or the investigations into combat deaths and leadership actions that day.

IV. FINDINGS AND ANALYSIS

What happened to the original MoH recommendation for CPT Swenson?

Standards

Army Regulation (AR) 600-8-22, "Military Awards," December 11, 2006

The U.S. Army uses DA Form 638 for all Army individual decorations, including those for valor and heroism. There is no "higher" award for valor than the MoH. The President is the only person authorized to approve the MoH. Officials in the endorsement chain must recommend the President approve, disapprove, or downgrade the MoH and must forward the recommendation through the chain to Army HRC. They may not disapprove and return a MoH recommendation or downgrade the MoH and approve a lesser award. The President may approve or disapprove an MoH recommendation or downgrade it and approve the award of a lesser decoration.

MoH recommendations are a priority and the process must not be interrupted, regardless of field and intermediate level commanders' recommendations. When appropriate, MoH recommendations contain endorsements from the subordinate unified commander; commander, joint task force; and unified or specified commander. Following the necessary endorsements and recommendations, all MoH recommendations must go to HRC for final processing. DA General Orders confirm MoH and DSC approvals.¹⁰

Premature disclosure of MoH actions is not authorized. The AR discourages premature disclosure of information to the public or to the individual being recommended for an award. It also discourages disclosure of information regarding approved awards.

There are limits to the amount of time that may pass between valorous acts and the approval of an award to recognize the act(s), but the AR makes allowances for lost recommendations in certain circumstances.

Assistant Secretary of the Army for Manpower and Reserve Affairs Decision, Subject: Delegation of Wartime Awards Approval Authority to GEN Petraeus, Commander, USFOR-A, August 26, 2010

This decision memorandum delegated to GEN Petraeus the authority to award the Silver Star and below to U.S. military personnel assigned or attached to USFOR-A or under USFOR-A's operational control. It also stated GEN Petraeus could further delegate this authority to U.S. Army commanders in the rank of Lieutenant General (LTG). Further, GEN Petraeus could

¹⁰ The DSC is the second highest award for valor.

“disapprove and/or downgrade” Distinguished Service Medal recommendations. The decision memorandum did not address the MoH or DSC.

Facts

On April 19, 2013, we obtained a copy of the USFOR-A investigation into the processing of the original award recommendation and information that the Secretary of Defense recommended the President award the MoH to CPT Swenson. We reviewed the USFOR-A investigation and determined it did not fully address or establish the facts and circumstances surrounding the processing of the original MoH recommendation.

CPT Swenson's Testimony

On May 23, 2013, our Office interviewed CPT Swenson regarding his MoH recommendation and his concerns about the awards process. He offered the following as a possible scenario for what happened to the award recommendation:

The determination was made to destroy all evidence of its submission and processing. This would have required all commands that processed the award to actively purge evidence of actioning. Purging the award would require HRC, CENTCOM, USFOR-A, CJTF-101, CJTF-82 and TF Mountain Warrior to be active participants in the destruction of the award. Furthermore, all personnel interviewed under oath for the AR 15-6 could be charged with obstruction and perjury.

CPT Swenson testified that he based this scenario solely on assumptions he made after reviewing the information in the USFOR-A investigation. He provided no specific information indicating that a senior official committed misconduct.

CPT Swenson stated that several individuals commented to him that “people who were at higher levels,” specifically, “two well-placed senior officials,” told him “I [CPT Swenson] had not made friends in some of the comments that I had made in my...report on the Ganjgal battle.” He recalled being told he made “powerful enemies” and “You have potentially run on the wrong side of a number of senior people and you might want to look into an alternate career.”

CPT Swenson said his sources did not tell him specifically who he had angered, but it was clear to him that his comments after the battle displeased MG Scaparotti and GEN Stanley McChrystal, former Commander, USFOR-A. He told us he made “very pointed arguments against the recently issued rules of engagement by GEN McChrystal and supported by GEN Petraeus.” CPT Swenson also asserted enlisted personnel who worked on awards told him they saw “strange things happening to my awards.”

CPT Swenson declined to give us the names, units, or positions of the senior officials or enlisted personnel who provided this information and advice to him. He stated only that they included people “not specifically assigned to one command” and who were “not necessarily” in

the military. At the conclusion of our interview, CPT Swenson said, "All I'm asking for is the same thing you're asking: At what level was this lost?"

CPT Swenson believed understanding Cpl Meyer's MoH process was a key to understanding his case. It was significant, according to CPT Swenson, that in August and September 2010, as the Marine Corps was "really making a push," to get Cpl Meyer a MoH, USFOR-A downgraded his (CPT Swenson's) MoH.

CPT Swenson recommended we interview (b)(3), (b)(6)

(b)(3), (b)(6) including Cpl Meyer, who with CPT Swenson supported TF Chosin. He said he endorsed Cpl Meyer's MoH recommendation, was not involved in CPT Swenson's, and had no knowledge that CPT Swenson's recommendation had been deliberately stopped or lost.

USFOR-A Investigation

In a July 28, 2011 memorandum, MG Timothy McHale, U.S. Army, Deputy Commander – Support, USFOR-A, appointed an officer to conduct an informal investigation using AR 15-6, "Procedures for Investigating Officers and Boards of Officers."¹¹ The appointment memorandum directed the IO, (b)(3), (b)(6), to determine:

The facts and circumstances surrounding the processing or lack thereof of an award for heroism or valor (Medal of Honor, Distinguished Service Cross, etc.) for CPT Will Swenson, for his actions on 8 September 2009 at the Battle of Ganjgal.

If there was in fact an award submitted for CPT Will Swenson. If so, to what level was it processed? Was the award ever processed to the approval authority?

Did CPT Swenson receive an end of tour award? If so, what award did he receive and were the actions of 8 September 2009 incorporated into that award?

The investigative report, dated August 4, 2011, concluded, "The facts of this investigation could not determine any processing of the MoH for CPT Swenson beyond (b)(3), (b)(6) (b)(3), (b)(6) (b)(6)." The report's executive summary stated:

CPT Swenson's Medal of Honor (MoH) award packet was signed by (b)(3), (b)(6) and submitted to the combined Joint Task Force-82 (CJTF-82) Command Group for action. The investigation could not determine any further processing beyond this level.

¹¹ MG McHale retired on June 1, 2012.

(b)(3), (b)(6), initiated the award recommendation on December 18, 2009. The Department of the Army (DA) Form 638 could not be tracked further than (b)(3), (b)(6), who signed recommending approval, but did not date it.

Slides from TF-82 and TF-101 suggest the award was submitted through USFOR-A, Central Command (CENTCOM), and subsequently to Human Resources Command (HRC).¹² However, there was no record of receiving or processing this award at any of these headquarters. Action officers at USFOR-A, who would have handled this award, were also contacted and had no knowledge of the CPT Swenson's MoH (Exhibit B). The discrepancy between the information on the slides and the actual status of the award could not be resolved.

In his concluding remarks, the IO discussed a MoH award recommendation (b)(3), (b)(6) also submitted for U.S. Army Specialist (SPC) Ty Carter, for his actions in a different battle. The IO wrote:

SPC Ty Carter's MoH was logged and tracked through the same process and has been confirmed at HRC. It is reasonable to assume that had both SPC Carter's and CPT Swenson's MoH packets been submitted at the same time, as indicated by the slides, both would have been tracked and processed in the same manner. The discrepancy between the slides and the actual status of CPT Swenson's award could not be resolved.

In a sworn statement made as part of the USFOR-A investigation, (b)(3), (b)(6) stated she contacted a CENTCOM staff officer who did not find anything about CPT Swenson's award on CENTCOM's internal tracking system.

(b)(3), (b)(6) July 2011 statement to the USFOR-A IO indicated she directed one of her personnel to contact HRC, and this person reported that HRC did not have a record of an award for CPT Swenson. The USFOR-A IO stated he contacted an awards analysis technician at HRC, who conducted a database search and found no record for CPT Swenson. Further, the correspondence between HQMC and Army HRC, introduced above, indicated Army HRC did not receive the original MoH recommendation on CPT Swenson.

On August 5, 2011, an administrative law attorney in the Office of the Staff Judge Advocate, USFOR-A, found the report was legally sufficient. The attorney noted CPT Swenson

¹² The slides to which the USFOR-A IO referred were CJTF-level briefing charts used to present the status of award recommendations as various echelons processed them and reported their status back to lower echelons. We describe the contents of the briefing charts later in this section of our report.

received a BSM at the end of his combat tour. MG McHale approved the IO's findings on August 28, 2011.

In a letter to Army HRC, dated August 11, 2011, the Chief of Staff, USFOR-A, explained why the MoH submission accompanying the letter was late. It stated the award recommendation package was a recreation of a "previous award recommendation [that] was not staffed to completion and the action was lost during multiple unit rotations and changes of leadership." An enclosure to the letter repeated selected facts and timelines as the USFOR-A IO determined them.

Review of the USFOR-A Investigation

The USFOR-A IO accurately reported the facts as he found them. We noted he conducted, or caused others to conduct, limited "records checks" but did not perform the collection and review of electronic data. We also noted he did not interview:

- any signatory in the award recommendation chain above (b)(3), (b)(6), including (b)(3), (b)(6), MG Scaparrotti, GEN McChrystal or GEN Petraeus;
- anyone assigned to TF Mountain Warrior, CJTF-82 or CJTF-101 during 2010;
- anyone responsible for awards or other personnel actions at USFOR-A prior to August 2010; or
- anyone at CENTCOM responsible for awards at any time.¹³

Consequently, the USFOR-A IO was unable to determine what actually happened to the award recommendation. We expanded the scope of our review to attempt to answer this question, and present what we found below.

Original Award Recommendation – TF Chosin (Battalion-level Task Force)

(b)(3), (b)(6) testified that CPT Swenson was not assigned to his battalion, but (b)(3), (b)(6) CPT Swenson. CPT Swenson asked to remain in Afghanistan and be attached to the battalion after other members of his ABP mentor team redeployed. On December 18, 2009, (b)(3), (b)(6) electronically signed a DA Form 638 recommending CPT Swenson for the MoH.

(b)(3), (b)(6) testified he personally gave a hard copy of CPT Swenson's award package to (b)(3), (b)(6) before he (b)(3), (b)(6). Though he had no specific recollection regarding (b)(3), (b)(6) actions, (b)(3), (b)(6) was confident that (b)(3), (b)(6) supported the recommendation because he and his staff worked closely with TF Chosin to develop the recommendation package for the MoH.

¹³ The USFOR-A IO did direct a service member assigned to USFOR-A in 2011 to coordinate with awards processing personnel at CENTCOM and report what she found.

First Endorsement, TF Mountain Warrior (Brigade-level Task Force)

(b)(3), (b)(6) corroborated (b)(3), (b)(6) testimony regarding collaboration between TF Chosin and TF Mountain Warrior in the construction of CPT Swenson's MoH recommendation packet. (b)(3), (b)(6), TF Mountain Warrior, testified she received and reviewed (b)(3), (b)(6) hard copy recommendation for CPT Swenson in January or February 2010.¹⁴ She testified (b)(3), (b)(6) recommended approval, and she sent it to the CJTF-82 awards section. (b)(3), (b)(6) and (b)(3), (b)(6) testified they also processed SPC Carter's MoH recommendation.

(b)(3), (b)(6) provided a TF Mountain Warrior tracking sheet that indicated MoH recommendations for CPT Swenson and SPC Carter were at HQ, CJTF-82 as of May 12, 2010. She provided a second sheet, dated August 9, 2010, which stated, "CPT Swenson, William, 1/32 Infantry attached, recommended downgrade by CJTF-82. Last known status at USFOR-A." The sheet further indicated the last known status for SPC Carter's award recommendation was USFOR-A. She did not recall what prompted her to indicate this information on her sheet.

Second Endorsement and Status Reporting, CJTF-82 (Division-level)

MG Scaparrotti, then commanding the U.S. Army's 82d Airborne Division, assumed command of CJTF-82 in June 2009, in relief of HQ, 101st Airborne Division (CJTF-101). We interviewed MG Scaparrotti, (b)(3), (b)(6)

(b)(3), (b)(6) testified she reviewed all personnel actions, including 300-500 awards per week, but processed only two MoH recommendation packages. She asserted the CJTF-82 "Awards Board" of officers and senior NCOs recommended CPT Swenson receive the MoH, and the PAB sent the recommendation to the CJTF-82 Command Group. (b)(3), (b)(6) testified CJTF-82 received CPT Swenson's MoH recommendation in December 2009 and the PAB routed it to the CJTF-82 Command Group in January or February 2010.

We showed (b)(3), (b)(6) a copy of the DA Form 638 the USFOR-A IO attached to his report. It indicated GEN McChrystal was the award approval authority and the Deputy Chief, J1 Plans and Operations, USFOR-A, was the orders approval authority. (b)(3), (b)(6) testified this was the original DA Form 638, which USFOR-A returned for correction because the President was the approval authority, not GEN McChrystal. She said HRC issued the orders, not USFOR-A, and TF Mountain Warrior then submitted a corrected copy, which MG Scaparrotti signed shortly before CJTF-82 redeployed. (b)(3), (b)(6) testified the PAB sent the recommendation via classified email to an "awards mailbox" at USFOR-A.

¹⁴ (b)(3), (b)(6)

¹⁵ (b)(3), (b)(6)

(b)(3), (b)(6) testified he had no recollection of having to sign a second, corrected DA Form 638 for CPT Swenson.

The USFOR-A investigation included a briefing chart, entitled "CJTF-82 Awards," dated May 13, 2010. The chart stated CPT Swenson's MoH recommendation was pending MG Scaparrotti's review as of January 25, 2010.

A second chart, dated May 20, 2010, stated the recommendation was at USFOR-A as of May 19, 2010. Charts dated May 27 and June 3, 2010, depicted the same information. The status listed for SPC Carter's MoH recommendation was identical to the status for CPT Swenson on each of the four charts. (b)(3), (b)(6) testified that he recognized the charts, which he prepared and presented to the CJ-1. However, he (b)(3), (b)(6) had no detailed recollection of CPT Swenson, SPC Carter, or their award recommendations.

(b)(3), (b)(6) testified MG Scaparrotti recommended CPT Swenson receive the MoH.

MG Scaparrotti testified he reviewed CPT Swenson's original MoH recommendation in May 2010. He told us his staff "pressed hard to get [it] done" prior to redeployment in early June. We asked him what he recommended, and he replied, "I believe it was the Medal of Honor." MG Scaparrotti testified he did not recall speaking to GEN McChrystal or GEN Petraeus about CPT Swenson's award.

CJTF-101 (Division Level) Status Reporting

Elements of HQ, 101st Airborne Division, relieved the 82d Airborne Division and assumed responsibility for the CJTF in June 2010. The USFOR-A IO obtained a series of briefing charts entitled, "CJTF-101 Valor Awards Tracker," which indicated USFOR-A processed and forwarded CPT Swenson's and SPC Carter's MoH award recommendations to CENTCOM. Table 1 contains excerpts from the charts:

Table 1: CJTF-101 Valor Awards Tracker

CHART DATE	NAME	LOCATION	DATE ARRIVED
July 16, 2010	CPT Swenson	USFOR-A	May 19, 2010
	SPC Carter	USFOR-A	May 19, 2010
August 21, 2010	CPT Swenson*	USFOR-A	May 19, 2010
	SPC Carter	CENTCOM	May 19, 2010
August 28, 2010**	CPT Swenson	CENTCOM	May 19, 2010
	SPC Carter	CENTCOM	May 19, 2010
September 4, 2010	CPT Swenson	CENTCOM	August 2010
	SPC Carter	CENTCOM	August 16, 2010
September 11, 2010	CPT Swenson	CENTCOM	August 2010

	SPC Carter	CENTCOM	August 16, 2010
October 2, 2010	CPT Swenson	CENTCOM	August 10, 2010
	SPC Carter	CENTCOM	August 17, 2010

*The chart contained this footnote regarding CPT Swenson: "Award was downgraded to a DSC. USFOR-A is currently out of certificates but will process and return to CJ1 ASAP."

**The chart contained this footnote, which it did not explicitly associate with CPT Swenson or SPC Carter: "Award was downgraded to a DSC and was forwarded to CENTCOM."

The USFOR-A IO also obtained a series of 4 briefing charts prepared by the CJ-1, CJTF-101 with dates ranging from October 29, 2010 to December 17, 2010. The first 3 charts stated "MoH for William Swenson was recommended downgraded to DSC. Sent to CENTCOM." The chart dated December 17, 2010 stated "MoH for William Swenson was recommended downgraded to DSC. Sent to HRC." All 4 charts indicated SPC Carter's recommendation remained at CENTCOM.

We interviewed (b)(3), (b)(6). He testified he was not "super familiar" with CPT Swenson's MoH package. CJTF-82 sent it to USFOR-A before he arrived and he did not remember hearing of any problems with it. He testified he updated the tracking spreadsheet based on regular coordination with USFOR-A. He reviewed the CJTF-101 briefing charts and testified the notations regarding downgrades and certificates looked like his "abbreviated slide-speak."¹⁶ He added he "must have" been told that a higher [than CJTF] commander recommended a downgrade, and the annotations on the charts should have read "recommended downgrade," not "downgraded." He stated he never heard that the recommendation was disapproved because that would have "sent alarm bells off."

(b)(3), (b)(6) testified her section used the charts to brief the CJ-1 on award status, but she had no recollection of a MoH recommendation for CPT Swenson. She had no knowledge of any award being downgraded or recommended for downgrade without forwarding to the next recommender.

In June 2011, CJTF-1 took over for CJTF-101. (b)(3), (b)(6) testified no one from CJTF-101 briefed him on any outstanding MoH recommendations during their turnover. More specifically, (b)(3), (b)(6) added that CJTF-101 personnel told him there were no outstanding MoH recommendations. He testified that on July 10, 2011, the Commander, CJTF-1, asked about CPT Swenson's MoH recommendation and his awards section OIC reported that he found a partially completed DA Form 638 and nothing else.

¹⁶ The witness made this statement while reviewing the CJTF-101 Valor Awards Trackers dated August 21 and August 28, 2010.

Third Endorsement, USFOR-A (Theater Level)

GEN McChrystal commanded USFOR-A and ISAF until June 23, 2010, and then-LTG David Rodriguez, U.S. Army, former Deputy Commander to GEN McChrystal, served as acting commander until GEN Petraeus assumed command on July 4, 2010. We interviewed several witnesses who served at HQ, USFOR-A during the summer of 2010, when the CJTF-82 and CJTF-101 slides indicated USFOR-A handled the award recommendation. They included GEN Petraeus, (b)(3), (b)(6), MG McHale, (b)(3), (b)(6). We also interviewed officers who served as (b)(3), (b)(6) before and after summer 2010.

Awards Process at USFOR-A

(b)(3), (b)(6) testified units submitted award recommendations to a USFOR-A awards mailbox on the SIPRNet, a classified network. She explained that BSMS with "V" device or higher awards required the USFOR-A Commander's signature. Awards section personnel prepared binders of approximately 20 awards at a time and routed them through the Chief, PAB, to the Chief of Staff, MG McHale, and Commander. (b)(3), (b)(6) testified she divided this workload among her clerks, one of whom she designated to process all MoH recommendations. (b)(3), (b)(6), confirmed the (b)(3), (b)(6) statements.

(b)(3), (b)(6), testified she was the (b)(3), (b)(6) in the J-1 to sign award packages, and she personally took them to MG McHale's office. She said that after MG McHale reviewed them, her awards section personnel then took them to the Commander, USFOR-A's Administrative Assistant, (b)(3), (b)(6). (b)(3), (b)(6) added that after the Commander, USFOR-A, endorsed a set of recommendations, awards section personnel picked up the binders, scanned the endorsed recommendations, and sent the packages via SIPRNet to a special awards email account at CENTCOM. She told us they updated their awards tracking spreadsheet accordingly.

MG McHale testified he became USFOR-A's Deputy Commanding General for Support in January 2010 and reviewed "close to 1000" awards a month. He only provided recommendations for awards he had no authority to approve, and understood he could not "downgrade or stop" those recommendations. He confirmed other witness testimony regarding J-1 personnel running award binders from his office to GEN Petraeus' office.

(b)(3), (b)(6) He testified he did not keep a log or use transmittal sheets. He did recall instances when he had to ask the J-1 to "re-do" awards because the multiple scans and reprints at each echelon reduced legibility. He also recalled no instance when GEN Petraeus set an action aside for future consideration, debate, or additional staffing.

GEN Petraeus testified he delegated to 3-star commanders the authority to award the Silver Star in accordance with the authorities delegated to him. He asserted the total number of actions that required his signature was "endless," but said the number of awards was not a "huge

number,” probably “in the hundreds.” He explained the awards were mostly BSMs for HQ, USFOR-A personnel and estimated he reviewed fewer than 10 award recommendations above the Silver Star.

GEN Petraeus stressed that he was “keenly aware” of how the awards process worked. He testified that he could recommend to downgrade a MoH or DSC nomination, but neither he nor any subordinate commander had the authority to disapprove those nominations. He confirmed that J-1 personnel routed hard copy award recommendations through MG McHale to his Administrative Assistant. GEN Petraeus stated that after he completed his review of an award recommendation, the package would be sent back through his Administrative Assistant to the J-1 .

The Processing of CPT Swenson’s MoH Recommendation Package

(b)(3), (b)(6) testified the person she replaced in (b)(3), (b)(6) briefed her that USFOR-A had returned CPT Swenson and SPC Carter’s award recommendations to CJTF-82 because they were not legible. She testified that once she received legible copies in the SIPRNet mailbox in July 2010, she processed both packages at the same time and in the same manner. She recalled presenting the packages to her NCOIC and OIC before personally taking them to MG McHale’s office “towards the end of July.” (b)(3), (b)(6) testified that MG McHale recommended approval about two weeks later, and her OIC, who was “involved in every step,” took them to GEN Petraeus’ office. She was sure that GEN Petraeus signed the recommendations and thought, but was not certain, that GEN Petraeus recommended approval for both.

(b)(3), (b)(6) further testified that she received the endorsed packages from GEN Petraeus’ office “towards the end of August.” She thought one of the reviewers recommended downgrading CPT Swenson’s award, but could not remember if it was GEN Petraeus or someone at CENTCOM. She explained that she scanned both signed recommendations and used the SIPRNet awards mailbox account to forward the packages separately to an awards mailbox at CENTCOM. She told us she received automatic replies from the CENTCOM mailbox which stated the awards were being processed.

(b)(3), (b)(6) testified she kept an electronic copy of CPT Swenson’s endorsed recommendation and supporting documents in the SIPRNet awards mailbox, which the entire awards section could access, and shredded the hard copies after scanning and emailing them to CENTCOM.

(b)(3), (b)(6) recalled both award recommendation packages. She thought GEN Petraeus recommended a lower level award for one of them, but was not sure which one. She then testified one package went forward to CENTCOM with an approval recommendation and the other went forward with a recommendation for downgrade.

We obtained a copy of SPC Carter’s signed MoH recommendation. It indicated GEN Petraeus recommended approval on July 28, 2010.

(b)(3), (b)(6) testified she took awards to GEN Petraeus' Administrative Assistant "a couple of times a week," but did not remember specifically CPT Swenson's or SPC Carter's. She also did not remember ever personally sending an award to CENTCOM and was not familiar with the awards mailbox at CENTCOM.

(b)(3), (b)(6) remembered working "one or two" MoHs, but did not specifically remember any names, to include CPT Swenson. He testified that he could not recall any instance when GEN McChrystal or GEN Petraeus recommended a downgrade after a subordinate commander recommended approval. He also recalled no instance where GEN McChrystal or GEN Petraeus "killed an action" by failing to forward it to CENTCOM as required.

(b)(3), (b)(6) testified they did not remember CPT Swenson's award recommendation, though (b)(3), (b)(6) did remember SPC Carter's.

MG McHale testified he visited (b)(3), (b)(6) HQ early in 2010, and (b)(3), (b)(6) mentioned that he had recommended someone for the MoH. MG McHale could not remember who was recommended, and when we showed him the original, partially completed DA Form 638, he told us he had no recollection of reviewing it. He continued that he never recommended downgrading any MoH and did not discuss any MoH recommendations with GEN Petraeus. His first specific recollection of CPT Swenson was from the spring of 2011, when he received a call from someone at DA informing him about Cpl Meyer's MoH and asking whether he knew anything about CPT Swenson's recommendation. MG McHale explained it was then that he directed an investigation and "resurrected" the award recommendation.

GEN Petraeus testified he remembered reviewing MoH recommendations when he commanded CENTCOM, but did not remember any from when he was in Afghanistan. He also did not recall recommending a downgrade for any MoH or DSC. We showed him SPC Carter's completed DA Form 638, which bore his (GEN Petraeus') signature, dated July 28, 2010. He affirmed it was his signature and testified that he did not remember reviewing SPC Carter's recommendation. We also showed him the incomplete DA Form 638 for CPT Swenson which did not bear his signature. GEN Petraeus testified he had no recollection of reviewing CPT Swenson's recommendation.

Tracking and Reporting the Status of CPT Swenson's Recommendation

(b)(3), (b)(6) testified she sent messages three times from the USFOR-A awards classified email account to the CENTCOM awards email account to request the status of CPT Swenson and SPC Carter's award recommendations. She told us she received a generic message each time from the CENTCOM mailbox stating that the awards were being processed. (b)(3), (b)(6) said she spoke to her OIC, who coordinated with CENTCOM to get the status, which the OIC reported directly to CJTF-101.

(b)(3), (b)(6) testified "the only place they [CJTF-101] would get [status] information would be from my award shop...from me or from one of my technicians." She said units often called to

ask about the status of awards they submitted, and she contacted CENTCOM as necessary. However, she did not remember contacting CENTCOM about CPT Swenson, SPC Carter, or any other high level award. (b)(3), (b)(6) also did not remember fielding any questions about CPT Swenson.

(b)(3), (b)(6) testified that her awards section did not track an award for CPT Swenson during her tour. She said no one briefed her on CPT Swenson's MoH recommendation when she arrived, and no one ever asked for a status until someone from GEN Petraeus' office called her in June 2011. In a sworn statement made as part of the USFOR-A investigation, she stated she "checked our (J1 Actions) historical awards tracker and did not see anything pertaining to CPT Swenson." She added "I looked in the NIPR and SIPR .pst files which my predecessor had left and did not find anything on CPT Swenson."

USFOR-A Records Searches

At our request, the USFOR-A J-6 coordinated a search of J-1 email archives, local systems, files, drivers, servers, databases, shared portals, and physical files on NIPR, SIPR, and the classified coalition network. In a memorandum dated August 24, 2013, the J-6 stated he found no email or .pst files matching our search criteria on existing exchange servers or individual work stations in the J-1. He added that "if .pst files associated with the awards organizational account were not properly managed by J-1 personnel" during a 2012 operating system upgrade, "they were most likely lost."

Regarding other electronic files, the J-6 stated the search netted 50 "hits" on NIPR and 25 on SIPR, and the J-6 provided these to us. All but one "hit" pertained to the 2011 reconstructed version of CPT Swenson's MoH submission. The only file related to the original submission was the "awards tracker," a Microsoft Access database. The table below represents the entries for CPT Swenson and SPC Carter:¹⁷

Last name	Swenson	Carter
Rank	CPT	SPC
Type of award	MoH	MoH
Date sent to J-1	6/21/2010	6/21/2010
Date sent to Command Group	7/3/2010	7/3/2010
Date sent to Commander	7/27/2010	7/27/2010
Chain of Command Decision	Downgrade	Approved as is
Approved	DSC	MoH
Orders #	214-006	214-005
Date sent for sister service concurrence		8/16/2010
Date sent to CENTCOM		
Date sent to HRC		
Date sent to unit		
Status	Complete	Sent for concurrence

¹⁷ Printed database records appeared as spreadsheets.

Initials	(b) 18 (3)	(b) (3)
Remarks	Member was put in for Medal of Honor; downgraded to Distinguished Service Cross/ (b)(3), (b)(6) Award is at CENTCOM	Member is being awarded Medal of Honor/ (b)(3), (b)(6)

We recalled (b)(3), (b)(6) for a second interview, showed her the database records, and asked her to identify the date CPT Swenson's award went to CENTCOM. She testified she could not because the field was blank. She added the record was missing information and it was difficult to get the awards clerks to keep the database accurate. She also stated the database lacked a field for recording when the Commander, USFOR-A, signed an award.

We showed (b)(3), (b)(6) a database record that indicated GEN Petraeus disapproved a recommendation to award a Soldier a Silver Star and instructed the recommender to submit a new recommendation. (b)(3), (b)(6) noted the Chain of Command Decision field for this record indicated "Disapproved" and differentiated this from CPT Swenson's record, which indicated "Downgrade." It indicated to her that GEN Petraeus did not disapprove CPT Swenson's MoH recommendation.

We asked (b)(3), (b)(6) why the Orders # fields for CPT Swenson and SPC Carter contained numbers when USFOR-A had no authority to publish orders for the MoH or DSC. She testified having a number in those fields was incorrect. We asked (b)(3), (b)(6), who testified the awards section put an orders number on the DA Form 638 even when an official higher than GEN Petraeus was the approval authority, because "we're initiating it."

Problems Processing Awards at USFOR-A

Several witnesses testified regarding problems at HQ, USFOR-A.

(b)(3), (b)(6), CJTF-82, testified the process at USFOR-A was slow and "convoluted" and USFOR-A returned fewer than 10 approved awards to CJTF-82 before the division HQ redeployed in June 2010. He said, "They [USFOR-A] were building a plane that was already flying," putting people, systems, and processes in place while working many thousands of awards for all U.S. Forces in the theater. (b)(3), (b)(6) told us the total USFOR-A J-1 office was smaller than his CJTF-82 awards section.

MG Scaparrotti testified that during his tenure as Commander, CJTF-82, USFOR-A was "growing" and that its HQ experienced constant turnover of individual replacements. He believed CPT Swenson's original award was probably lost due to immature or unreliable processes at USFOR-A.

¹⁸ (b)(3), (b)(6) handled CPT Swenson's and SPC Carter's awards.

(b)(3), (b)(6) of the USFOR-A awards section testified USFOR-A lost awards “all the time.” (b)(3), (b)(6) testified that when she arrived there was a “huge backlog” and “it was just a really ugly few weeks when we first got there, trying to get a handle on all the decorations that folks thought we had, that we had no record of obtaining.” She explained the database was outdated. She did not trust it and initially did not use it. She told us units frequently asked about awards and “every time we looked anything up [in the database], it was incorrect.” We asked (b)(3), (b)(6) if awards ever got lost, and she said, “Oh, yes, sir.” (b)(3), (b)(6) told us a unit would call and the database would indicate processing was complete, but she would search the computer drives and find only “bits and pieces.” She testified they eventually began to use the database after they learned how to use it.

(b)(3), (b)(6), who served from (b)(3), (b)(6) testified there were no standard operating procedures when she arrived, and likened the situation to “cowboys and Indians.” She told us they “absolutely” lost some awards. (b)(3), (b)(6) testified that when she arrived there was a “huge backlog of awards,” and no proper organization, staffing, processes, procedures, or tracking mechanisms. She said it was “such a mess” and took months “before we even got that a little bit under control.”

MG McHale testified he was briefed on awards issues. He told us some units submitted electronic copies, others used hard copies, and they often used the wrong endorsement chain. He also questioned the skills of some of the J-1 personnel.

(b)(3), (b)(6), CJTF-1, provided testimony that indicated USFOR-A continued to experience problems in 2011, most often with unit awards. He testified “It got to the point where we were having so many awards that were being misplaced, lost, whatever you want to call it, that I made them cc me on the emails that they sent up” so he had a record of the transmission of every award.

GEN Petraeus' Email

We employed key word searches on over 100,000 emails from GEN Petraeus' classified and unclassified email accounts encompassing the time frame in question. The only one that referenced CPT Swenson was a February 23, 2010, message in which an associate forwarded to GEN Petraeus a news story about the Ganjgal battle. The story mentioned CPT Swenson, but not awards or decorations. A different email on the classified system examined issues encountered in the Ganjgal and other operations, but did not mention CPT Swenson.

Keyword searches on “MoH” and “Medal of Honor” netted 4 “hits.”

- In a January 7, 2010 email to a journalist writing a story on the MoH, GEN Petraeus stated “Several (MoH) have gone through me recently, but I don't remember the names/eaches.”
- In a September 10, 2010 email, GEN Petraeus congratulated U.S. Army Staff Sergeant (SSG) Salvatore Giunta on the news that the President would present him the MoH.

- In a September 11, 2010 email, former Secretary of the Air Force Mike Wynne noted SSG Giunta's award. GEN Petraeus wrote Mr. Wynne in reply that "there are others in the queue."
- In a September 22, 2010, message, GEN Petraeus wrote to an associate that he "recently instructed our commanders to make a much greater effort to recognize our leaders and troopers who are performing incredible acts every 24 hours." He then wrote to the associate that "two more MoH recommendations are under consideration, too, by the way."

Fourth Endorsement, CENTCOM (Combatant Command-level)

Tracking and Reporting CPT Swenson's Recommendation

We interviewed (b)(3), (b)(6) who served from (b)(3), (b)(6). He testified he "absolutely" remembered processing SPC Carter's and Cpl Meyer's recommendations, but did not remember CPT Swenson. He asserted that if one of his section personnel had pulled CPT Swenson's MoH recommendation from the awards mailbox, they would "automatically" have notified him. He stated that a MoH packet took "precedence over everything." (b)(3), (b)(6) testified the USFOR-A awards section OIC sometimes called him regarding award status, but he did not remember the USFOR-A OIC calling him about any MoHs.

We interviewed (b)(3), (b)(6). All (b)(3), (b)(6) stressed that (b)(3), (b)(6) would be aware of any MoH package received. The first witness remembered the names of four MoH nominees, however, he did not remember CPT Swenson or SPC Carter by name. The second witness recalled the names of 2 MoH nominees, but not CPT Swenson. The third witness thought he remembered CPT Swenson's recommendation, but said it was possible he confused CPT Swenson's package with SPC Carter's. He also testified he (b)(3), (b)(6).

The CENTCOM witnesses stressed that if CENTCOM received a MoH package, there would be a record of it. (b)(3), (b)(6) testified USFOR-A sent award recommendations and supporting documents via SIPRNet to a CENTCOM awards mailbox, which all personnel in the section accessed. Other CENTCOM witnesses confirmed that subordinate headquarters personnel sometimes sent questions to the mailbox or called section personnel directly for status updates.

Search of CENTCOM Electronic Records

At our request, the CENTCOM IG coordinated with the CENTCOM J-6 to search .pst files archived between January 1, 2010 and October 1, 2012. The J-6 also found several messages pertaining to CPL Meyer. On August 16, 2010, (b)(3), (b)(6) at USFOR-A sent an unclassified message from her own account to CENTCOM's awards mailbox. The message stated, "Attached is a Medal of Honor package on SPC Ty M. Carter." However, the J-6 did not locate any messages regarding CPT Swenson's original MoH package.

Army HRC (Service-level) Processing

We also requested HRC search applicable records and databases for any record of a MoH for CPT Swenson. (b)(3), (b)(6) provided an HRC database report which indicated a board convened on November 1, 2011, to consider CPT Swenson's reconstructed MoH recommendation. To emphasize the board considered the second, recreated MoH package, she included a statement that "the Awards Branch has no additional information on CPT Swenson's earlier MoH submission."

MG McHale testified he spoke to MG Gina Farrisee, then Commander, Army HRC, after he first heard about the matter in spring 2011. He told us MG Farrisee did not know about CPT Swenson's lost award package.

Concluding Witness Statements

We asked GEN Petraeus if he knew CPT Swenson made statements which irritated senior commanders or were critical of the chain of command or rules of engagement. He testified he was aware but not briefed specifically on CPT Swenson's statements. He added it was not only CPT Swenson who voiced concerns. There were "plenty of reports," and he "very clearly understood" there were real and perceived issues that came from Ganjgal and other battles. He offered as an example the concern that the approval to provide close air support "had become overly bureaucratic." GEN Petraeus told us a central theme was restrictive interpretation and application of the rules of engagement. He said it was a "very, very tough issue," that was "much bigger than the battle of Ganjgal" and which served as the impetus for changes he made to the Tactical Directive when he assumed command of ISAF.

We asked each witness whether anyone ever told them not to submit, process, or ask about CPT Swenson's MoH package, and they all testified this did not happen. All witnesses further testified they had no information that someone intentionally mishandled, lost, or disposed of the package.

Discussion

We conclude by a preponderance of the evidence that the Commander, USFOR-A, properly endorsed CPT Swenson's original MoH recommendation, but the USFOR-A J-1 awards section did not forward it to HQ, CENTCOM.

We found that on or after May 19, 2010, USFOR-A J-1 awards section personnel received a signed DA Form 638, "Recommendation for Award," on which MG Scaparrotti recommended CPT Swenson receive the MoH. Testimony from MG Scaparrotti and (b)(3), (b)(6) that MG Scaparrotti recommended approval outweighed the evidence on the TF Mountain Warrior tracking sheet which indicated he recommended downgrade. Further, no witness testified that MG Scaparrotti recommended downgrading the award.

We found that on or about July 27, 2010, USFOR-A J-1 awards section personnel gave the recommendation to GEN Petraeus' Administrative Assistant, who gave it to GEN Petraeus. Testimonial and documentary evidence that GEN Petraeus received the recommendation was more specific than and outweighed GEN Petraeus' own testimony that he did not recall seeing the recommendation.

We also found that on or about July 28, 2010, GEN Petraeus recommended downgrading the MoH to a DSC and returned the recommendation to his Administrative Assistant, who returned it to the J-1 awards section for further processing. We based our finding on testimony that GEN Petraeus reviewed CPT Swenson's and SPC Carter's MoH recommendations and recommended downgrading one of them to a DSC. SPC Carter's DA Form 638 indicated GEN Petraeus recommended approval. This evidence was more specific than and outweighed GEN Petraeus' September 2010 emails about two pending MoH recommendations, which did not name the intended recipients.

In addition, the USFOR-A awards database indicated GEN Petraeus' "downgrade[d]" CPT Swenson's recommendation and "approved" SPC Carter's. This does not indicate that GEN Petraeus disapproved and stopped CPT Swenson's recommendation, or that he actually approved SPC Carter's. In accordance with AR 600-8-22, he could only make a recommendation, and the MoH Clerk should have included the word "recommend[ed]" in the "Chain of Command Decision" field. If GEN Petraeus had disapproved CPT Swenson's recommendation, the entry would have read "Disapproved," as it did when GEN Petraeus disapproved the award of the Silver Star and sent it back with instructions to the nominating unit.

We further found CENTCOM did not receive the recommendation. (b)(3), (b)(6) testified she transmitted the recommendation to CENTCOM, she and her OIC tracked its status after transmission, and her OIC provided updates to CJTF-101. However, (b)(3), (b)(6), CJTF-101 witnesses, and CENTCOM witnesses did not corroborate or support (b)(3), (b)(6) testimony regarding transmittal to CENTCOM and subsequent tracking after submittal.

The USFOR-A awards database partially corroborated (b)(3), (b)(6) statements to us because the remarks field indicated CPT Swenson's recommendation was at CENTCOM. However, the database record was incomplete and lacked an entry for the date sent to

CENTCOM. The database itself appeared to lack the fields necessary to accurately track progress of all awards from beginning to end. Also, (b)(3), (b)(6) testified she had difficulty getting her people to maintain the database. She and other witnesses questioned the integrity of the database and the ability of the awards section personnel to use it effectively.

Although the CJTF-101 slides indicated CPT Swenson's recommendation was transmitted to CENTCOM, neither officer responsible for the slides remembered updating them to reflect changes in CPT Swenson's status. One of the officers had no recollection whatsoever of CPT Swenson's award. It was significant that CENTCOM found an email that showed USFOR-A transmitted SPC Carter's recommendation to CENTCOM on August 16, 2010, but neither CENTCOM nor the USFOR-A J-6 could find in their systems a similar record of transmission for CPT Swenson's recommendation. Accordingly, we found CENTCOM did not receive the recommendation.

Finally, we found Army HRC did not receive the recommendation. The CJTF-101 slides in the USFOR-A investigation indicated transmittal to HRC, but we did not find any evidence to corroborate this. Emails from 2010 and a memorandum from 2011 indicated HRC did not receive CPT Swenson's original recommendation. An HRC official reiterated this in response to our request for assistance. We could not reconcile why the CJTF-101 slides reflected transmittal to HRC in December 2010, when the last entry in the USFOR-A awards database indicated the package was at CENTCOM. The officer responsible for the CJTF-101 slides at that time did not remember CPT Swenson's award recommendation.

AR 600-8-22, "Military Awards," identifies the President as the approval authority for the MoH, prohibits subordinate commanders from disapproving or returning MoH recommendations, requires routing them to Army HRC for final processing after obtaining all necessary endorsements and recommendations, and requires the MoH receive priority during processing.

We determined that CPT Swenson's MoH recommendation was not processed in accordance with AR 600-8-22 because the USFOR-A J-1 awards section did not promptly forward it after GEN Petraeus' review and failed to accurately track and report its status. This was inconsistent with the requirement to route MoH recommendations on a priority basis through the endorsement chain to Army HRC. We also determined that the USFOR-A J-1 awards section had inadequate systems and unreliable processes, which may have contributed to the failure to fully process CPT Swenson's MoH recommendation. Further, we determined that GEN Petraeus' recommendation to downgrade the award was within his discretion and did not violate AR 600-8-22. There was no evidence that a senior official mishandled, lost, destroyed, purged, disposed of, or unnecessarily delayed the recommendation.

V. CONCLUSION

The Commander, USFOR-A, properly endorsed CPT Swenson's original MoH recommendation, but the USFOR-A J-1 awards section did not forward it to HQ, CENTCOM.

VI. RECOMMENDATION

The Commander, CENTCOM, direct a review of the awards process at HQ, USFOR-A.

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Report No. 20130424-013764



Inspector General
Department of Defense

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